

REMARKS

By the foregoing Amendment Claims 3 and 5, directed to non-elected subject matter, have been cancelled without prejudice or disclaimer. However, Applicants expressly reserve their rights to file one or more divisional application(s) claiming the benefits afforded by 35 U.S.C. 119, 120 and 121. Claims 1, 2, 4, 6-14, 16-20 remain pending.

Reconsideration of the objection of Claims 10, 13, 14 and 18-20 under 37 CFR 1.75(c), as allegedly being of improper dependent form is respectfully requested.

Initially, Applicants expressly point out that the phrase in question “the wear layer comprising a thermosetting resin. . .” does not mean that the wear layer consists of the mentioned resins in the Markush group following the term “thermosetting resin”. Thus, Claim 1 as currently worded permits additional materials to be included in the wear layer beside the thermosetting resin of the Markush group. This is exactly what Applicants intend by the dependent Claims 10, etc. For example, Claim 10 states that the wear layer “additionally comprises” a high viscosity amino resin with similar language found in Claims 11 and 12. Moreover, Claims 13, 14 and 18-20 include hard particles which are in no way limiting under Markush group of the thermosetting resin and are properly included in a “wear layer comprising. . .” as currently recited in the claims from which they depend. Thus, the Examiner’s entire objection to the claim is inappropriate and should be withdrawn.

Reconsideration of the rejection of Claims 1, 2, 4, 6-14 and 16-20 under 35 U.S.C. 112, second paragraph, as being indefinite is respectfully requested in view of the following comments.

As noted in Claim 1 (amended) the presence of the amino resin increased the bonding more than could be achieved by the thermosetting resin of the Markush group recited in Claim 1. This is supported by the original description, for example, the

sentence bridging the pages 1-2 of the specification as originally filed. Accordingly, Applicants respectfully submit that the claims comply with 35 U.S.C. 112, second paragraph and remind the Examiner that it is left solely to Applicants, and not the Examiner, to define the subject matter that they regard as the invention (35 U.S.C. 112, first paragraph). Accordingly, Applicants request withdrawal of the rejection.

Reconsideration of the previously rejected of Claims 1, 2, 4, 6, 7, 10-14 and 16-02 under 35 U.S.C. 103(a) as being unpatentable of Hansson (U.S. Patent No. 6,565,919) in view of Sano (U.S. Pub. 2002/0077384) is respectfully requested in view of the following comments.

The presently claimed process is directed to printing a decorative layer on the base layer, where the decorative layer comprises a printing ink and wherein the printing ink comprises an amino resin. No such teaching is found in the proposed combination of Hansson in view of Sano. Hansson teaches (Abstract cited by the Examiner) providing a decorative upper layer (2) on a supporting core (5). While the Examiner is correct that the upper side (1') of the supporting core (5) is provided with a decor, by for example, printing, and that thereafter the upper side 1' of the supporting core is then provided with a protecting translucent wear layer 2" through curtain coating (*see* column 6, lines 45-48) such translucent wear layer 2" is constituted by UV-curing acrylic lacquer. There is no teaching in Hansson of using a thermosetting resin selected from the group consisting of melamine-formaldehyde resin, phenol-formaldehyde, urea formaldehyde and mixtures thereof as the components of the wear layer. As it is well-known by those in the chemical arts an acrylic lacquer does not fit any of the definitions of the Markush group of independent Claim 1. Moreover, there is no teachings of increasing the bonding of the wear layer to the decorative layer by the presence of an amino resin which increases the bonding more than could be achieved by the thermosetting resin layer itself. All of these deficiencies are not cured by citation of the secondary reference to Sano. Sano is directed

to an ink composition for inkjet recording. The printing ink of Sano is not used to increase the bond between a decorative layer (upon which the ink is printed) and wear layer overlaying such decorative layer as in the claimed invention. Nor is there any teaching that the presence of the amino resin would increase the bonding more than could be achieved by the thermosetting wear layer itself. Thus, even if the Examiner surmises that it would have been obvious for those skilled in the art to look to the inkjet composition of Sano, Sano in combination with Hansson still does not teach the claimed invention. Sano still lacks the existence of a wear layer and as Hansson's wear layer is not of thermosetting resin, there still is no teaching of the increased bonding between a decorative layer and wear layer of melamine-formaldehyde resin, phenol-formaldehyde resin, urea formaldehyde resin and mixtures thereof as claimed.

The Examiner's supposed confusion over what is meant in the claimed invention is incredulous considering that he cites the specification at the bottom of page 1 to the top of page 2, showing that improved bonding results from the presence of the amino resin mixed in the printing ink, but such bonding is between a wear layer of a specific type of thermosetting resin and the decorative layer, which is not found in the Sano and Hansson combination. For all of the foregoing reasons Applicants respectfully submit that the rejection does not establish a *prima facie* case of obviousness for the claimed invention and withdrawal of the rejection is respectfully requested.

Reconsideration of the previously rejection of Claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Sano as applied above and further in view of Schulz (U.S. Pub. 2003/0039810) is respectfully requested in view of the following comments.

As a combination of Hansson in view of Sano does not establish a *prima facie* case of obviousness for the invention of the claims above and citation of Schulz is directed only to a paper layer suitable for inkjet printing, it would not correct the

foregoing deficiencies of Hansson which lacks a wear layer of melamine-formaldehyde resin, phenol-formaldehyde resin, urea formaldehyde resin and mixtures thereof as instantly claimed. Accordingly, the further combination of Schulz still does not establish a *prima facie* case of obviousness for the claimed invention. Withdrawal of all rejections and passage of the application to issue are respectfully requested.

It is noted that the accompanying Request for Continued Examination (RCE) requests a 3-month suspension of time for the purpose of conducting an interview with the Examiner prior to our first action on the merits. If the Examiner takes up the application for action before such interview is conducted, he is respectfully requested to contact the undersigned at 202.785.0100 to conduct such interview.

Respectfully submitted,



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Thomas P. Pavelko
Registration No. 31,689

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 785-0200

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